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UNCLAS SAN SALVADOR 000953

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QUITO FOR ECON - DTITUS

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SUBJECT: INTELLECTUAL PROPERTY THIEVES REACT VIOLENTLY TO  
POLICE RAIDS

REF: SAN SALVADOR 464

1. (U) On Friday, April 7, vendors of pirated optical media in downtown San Salvador, joined by suspected FMLN-linked militants, launched violent protests, looting and burning several small stores and causing damages estimated at more than \$200,000. More than four hours after the protests began, police finally restored order in the city center, arresting more than twenty individuals for public disorder throughout the evening.

2. (SBU) The protests were launched in reaction to police raids that began Wednesday, April 5, against pirated optical media. These raids were the first made under the ex-officio authority granted to the police under El Salvador's new Criminal Code, revised to meet CAFTA-DR obligations on IPR enforcement. "Operation Cyclone," conducted with intelligence information that Post's ICE Attache shared with the police, netted 8,500 confiscated DVDs. The police have made no IPR-related arrests so far, but the operation is still ongoing. Conducted without a formal complaint from affected IPR owners, these raids could serve as a test case on IPR enforcement in El Salvador.

3. (SBU) The immediate spark for Friday's violent protests was a raid police conducted Friday morning that was supposed to target a downtown warehouse--on the way there by foot, police confiscated infringing optical media from several street vendors operating in the vicinity. Until then, police had been careful to target only large-scale distributors of stolen intellectual property, holding off on targeting vendors until a conversion program sponsored by the Ministry of Economy and the International Federation of the Phonographic Industry (IFPI) was up and running (reftel).

4. (U) The FMLN has seized on this issue, claiming that the police overstepped their authority in targeting these vendors and then incited the vendors-turned-protestors to violence with aggressive policing tactics. ARENA has responded by blaming the FMLN for encouraging and augmenting the vendors' protests, a claim supported by previous FMLN participation in similar but less violent protests. Indicating his willingness to continue with IPR enforcement efforts, Police Chief Rodrigo Avila has said about Friday's events, "The law is the law. If you don't like it, ask your legislators to change it."

5. (SBU) Comment: Although it was probably premature to target street vendors, their violent reaction served to dispel any notion that these are otherwise law-abiding citizens looking to earn a living just like anyone else. Post's ICE Attache will continue to work behind the scenes with the police to support enforcement efforts, targeting large-scale distributors and avoiding small-scale targets of opportunity. Post will encourage Ministry of Economy to establish a conversion program that will provide the political cover necessary for going forward with raids against street vendors dealing in stolen intellectual property. Tactically, however, it makes little sense for the police to target these mom-and-pop operations. Meanwhile, Post will monitor the progress of any criminal charges developed as a result of last week's raids--there are early indications that the Prosecutor's Office is not eager to prosecute IPR crimes as crimes against the state. End Comment.

Barclay